

08-28-01

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PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Request for Continuation/Divisional Application Under 37 C.F.R. 1.53(b)

Attorney Docket No.:	Anticipated Classification of this Application	Prior Application Examiner	Art Unit
0359.1-1-1	106	Zalukaeva	1713
Customer ID 25207			

Commissioner for Patents  
Box RCE  
Washington, D.C. 20231

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. §1.53(d), of pending prior application No. 09/254,339 filed March 5, 1999.

1. ☒ Enclosed is a complete copy of the most recent prior application having a signed declaration, Appln. No. 09/254,339 as originally filed on March 5, 1999, entitled STAIN RESISTANT WATER-BORNE COATING COMPOSITION by the following named inventor(s):

Full name of first joint inventor: Michelle CAREY
Citizenship: Australia
Residence: 2/14 Newry Street, Prahran, Victoria 3181, Australia
Post Office Address: same as above

Full name of second joint inventor: Karen ELSBURY
Citizenship: Australia
Residence: 111 Cobden Street, South Melbourne, Victoria 3205, Australia
Post Office Address: same as above

Full name of third inventor: Patrick HOULMAN
Citizenship: Australia
Residence: 5 Karjen Place, Wheelers Hill, Victoria 3150, Australia
Post Office Address: same as above

Full name of fourth joint inventor: Bruce LEARY
Citizenship: Australia
Residence: Cnr Boundary and Mornington Flinders Road, Red Hill, Victoria, 3937, Australia
Post Office Address: same as above

Full name of fifth joint inventor: Lisa MADIGAN
Citizenship: Australia
Residence: 10 Vail Street, Prahran, Victoria 3181, Australia
Post Office Address: same as above

1c979 U.S. PTO  
09/942278  
08/27/01

08/27/01  
JC945 U.S. PTO

09/254,339

Full name of sixth joint inventor: Thamala WEERASINGHE
Citizenship: Sri Lanka
Residence: 9 Settlers Court, Rowville, Victoria 3178, Australia
Post Office Address: same as above

Full name of seventh joint inventor: Chantel MARISE
Citizenship: Australia
Residence: G02/101, Grattan Street, Carlton, Victoria 3053, Australia
Post Office Address: same as above

Full name of eighth joint inventor: Susan GEORGE
Citizenship: Australia
Residence: 4/1 Howard Court, Clayton, Victoria 3168, Australia
Post Office Address: same as above

The undersigned, being registered to practice before the U.S. Patent & Trademark Office, hereby verifies the enclosed application papers are a true copy of what is shown in my records to be the above identified prior application, including the oath or declaration originally filed.

2. ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 was declared in the prior application and such status is still proper and desired (37 C.F.R. 1.28(a)).
3. ☒ The filing fee is calculated below:

FOR:	NO. OF CLAIMS FILED	NO. OF CLAIMS ALLOWED	NO. EXTRA	SMALL ENTITY		OTHER THAN SMALL ENTITY	
				RATE	FEE	RATE	FEE
BASIC FEE					\$355		\$710
TOTAL CLAIMS	21	20	1	X \$9 =		X \$18 =	18
INDEPENDENT	3	3	0	X \$40 =		X \$80 =	0
MULTIPLE DEPENDENT CLAIM PRESENTED:				X \$135 =		+ \$270 =	
LATE-FILING SURCHARGE				+ 65 =		+ \$130 =	
FOREIGN LANGUAGE SURCHARGE				+ \$130 =		+ \$130 =	
TOTAL							\$728

4. ☒ A credit card authorization in the amount of \$728 for the filing fee is enclosed.
5. ☒ The Commissioner is hereby given authorization to charge any additional fees by this application or credit any refund to Deposit Account No. 02-2138. **A duplicate of this sheet is enclosed.**
6. ☒ Amend the specification by inserting before the first line the sentence: --This is a ☒ continuation, ☐ division, of copending application(s) No. 09/254,339, filed March 5, 1999.--
7. ☐ Cancel in this application original Claim(s)\_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

8. ☒ Transfer the drawings (if any) from the pending prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by §1.138 and before payment of issue fee.)

9. ☐ New drawings are enclosed. ☐ formal  
☐ informal

10. ☒ Priority of application No. PO 2163 filed on September 6, 1996 in Australia, and, application No. PCT/AU97/00584, filed September 8, 1997 under the Patent Cooperation Treaty, is claimed under 35 U.S.C. §119. The certified copy has been filed in prior application No. 09/254,339 filed on March 5, 1999.

11. ☒ Inventorship Statement

(a) With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. 120 the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted: \_\_\_\_\_.

(b) The inventorship for all the claims in this application are

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

12. ☐ Assignment

☒

The prior application is assigned of record to Orica Australia Pty Ltd

☐

An assignment of the invention to: \_\_\_\_\_ is attached.

"COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached. ☐ A RECORDING ASSIGNMENT FEE IS ENCLOSED.

13. ☒ A preliminary amendment is enclosed.

14. ☐ A Voluntary Citation of Information under Rule 56 is enclosed.

15. ☐ Also enclosed: \_\_\_\_\_.

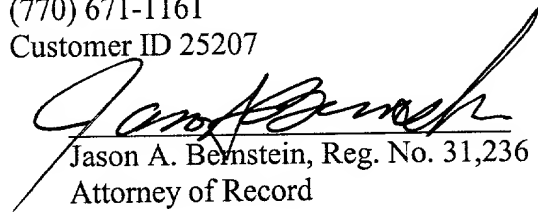
16. ☒ POWER OF ATTORNEY: Power of Attorney in the prior application is to: Jason A. Bernstein - Reg. No. 31,236.

17. ☐ A substitute or associate power of attorney is enclosed.

The undersigned declares further that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Address all future correspondence to: Jason A. Bernstein  
Bernstein & Associates, P.C.  
6600 Peachtree Dunwoody Road, N.E.  
Embassy Row 400, Suite 495  
Atlanta, GA 30328-1649  
(770) 671-1755  
(770) 671-1161  
Customer ID 25207

Date: August 27, 2001

  
Jason A. Bernstein, Reg. No. 31,236  
Attorney of Record

Please type a plus sign (+) inside this box ☐

PTO/SB/122 (10-00)  
Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office. U.S. DEPARTMENT OF COMMERCE

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## CHANGE OF CORRESPONDENCE ADDRESS *Application*

Address to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Application Number

09/254,339

Filing Date

March 5, 1999

First Named Inventor

Michelle Carey

Group Art Unit

1713

Examiner Name

T. Zalukaeva

Attorney Docket Number

0359.1-1-1

Please change the Correspondence Address for the above-identified application to:



Customer Number

25207

Type Customer Number here

Place Customer  
Number Bar Code  
Label here

OR



Firm or  
Individual Name

Bernstein & Associates, P.C.

Address

6600 Peachtree Dunwoody Road, N.E.

Address

Embassy Row 400, Suite 495

City

Atlanta

State

GA

ZIP

30328-1649

Country

USA

Telephone

770-671-1755

Fax

770-671-1161

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the :



Applicant/Inventor.



Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).



Attorney or Agent of record.



Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number \_\_\_\_\_

Typed or Printed  
Name

Jason A. Bernstein

Signature

Date

8-27-01

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.



\*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENTS

## IN THE U.S. PATENT AND TRADEMARK OFFICE

In re Application of:

Michelle Carey et al.

Appln. No.: 09/254,339

Filed: March 5, 1999

For: STAIN RESISTANT WATER-BORNE  
COATING COMPOSITION

Art Group: 1713

Examiner: T. Zalukaeva

Atty Docket No. 0359.1-1-1

Customer ID: 25207

TRANSMITTAL LETTER

BOX RCE

Commissioner of Patents  
Washington, DC 20231

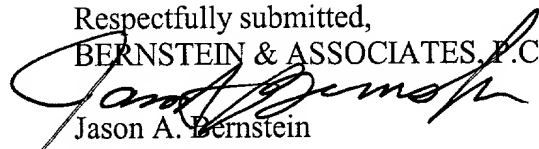
Sir:

Please accept for filing in the above styled case the following document(s):

1. Request for Continued Examination
2. Duplicate of Request for Continued Examination
3. Credit card authorization
4. Copy of most recent prior application
5. Preliminary Amendment
6. Return receipt postcard.

Please stamp the postcard with the date received and return to the undersigned. Thank you very much.

Thank you very much.

Respectfully submitted,  
BERNSTEIN & ASSOCIATES, P.C.  
Jason A. Bernstein  
Reg. No. 31,2366600 Peachtree Dunwoody Road, N.E.  
Embassy Row 400, Suite 495  
Atlanta, Georgia 30328-1649  
(770) 671-1755  
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P252b-Transmittal L-RCE to PTO.doc

Express Mail mailing label number EL660499925US; Date of Deposit: August 27, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box RCE, Commissioner for Patents, Washington, DC 20231.

  
Jason A. Bernstein